

Rule	Comment(s)	Department Response
305.02(b)(2)	Eversource concurs with change to limit fishery to documented occurrence	No change needed
306.05	Eversource supports the change of eliminating the predominant resource functions of each wetlands.	No change needed
307.04	Eversource concurs with this change for limiting to documented occurrence of fishery	No change needed
307.04	Fish & Game: How or what database is being used to identify documented amphibian or migratory bird breeding areas in order to meet this requirement? Is it the intent to rely on NHFGD staff to provide this information?	Based on this comment - NHDES is withdrawing this rule from this rulemaking for further review
307.10 Dredge Conditions	<p>Fish & Game: NHF& G did not propose or support TOY restrictions during the initial wetland rules re-write. Recommend changing to threatened or endangered species (not fishery)</p> <p>TOY no dredge dates of Oct 1- March 31 may be recommended for some species but do not apply to fish species currently listed as threatened or endangered in NH. Avoiding impacts to T and E during the spawning season is important – but impact to habitats which these species depend on could occur at any time of the year & impacts are determined by the type and scale of the project. The distribution of these threatened or endangered fish species is limited enough that we should be able to A/M impacts throughout the year, as long as NHFGD is given adequate notice & involved early in the existing review process that currently exists.</p> <p>NHFGD recommends eliminating the reference to ‘threatened or endangered fishery’ under 307:10g or alternatively applying a more general approach similar to Env-Wt. 310.03(c) such as ‘Any work shall be timed and carried out to protect documented [cold water (in current rule referenced here)], threatened or endangered species.’</p>	Time of year (TOY) restrictions have been in the rules since 2018, when the intensive stakeholder process (which NHF&G was invited to participate in) started. NHDES will undertake to review TOY restrictions with NHFGD and will propose changes in a future rulemaking as needed.
309.02	<p>(l) Projects solely for the physical/mechanical removal of exotic aquatic weeds (EAW), subject to the following:</p> <p>This suggestion is for clarification purposes and distinguishes alternative control methods other than control by herbicides.</p>	NHDES Wetlands Bureau does not regulate herbicides. In any event, the rule applies to removal by divers and so necessarily is limited to physical/mechanical removal.
309.06	<u>Watermark</u> : We suggest amending Env-Wt 309.06 to allow installation of 2 seasonal PWC lifts adjacent to the docking structures or along the shoreline outside of the 10' abutter's setback.	NHDES has not made the suggested change to allow PWC lifts along the shoreline, as it would significantly increase the density of PWC lifts along the shore.
309.07	<u>Watermark</u> : We suggest amending Env-Wt 309.07(h) by allowing all PBN projects to be exempt from CC signature before submittal. Why not add seasonal docks, watercraft lifts, PWC lifts, dock hinge pads, etc.?	Public listening sessions provided broad public support for streamlining maintenance projects. The addition of seasonal docks, lifts, is a further step that can be reassessed once these rules are in place.

Rule	Comment(s)	Department Response
309.08	<p><u>Sales</u>: Thought LAC signature was a required element for all PBNs. I don't feel that any routine roadway project within LAC jurisdiction should be allowed under a PBN if the LAC has not signed off on it. If the LAC will not sign or cannot sign, the applicant can instead submit an EXP which could then be processed without an LAC signature, thought it would take a bit longer.</p> <p>Request: In both the PBN and the EXP section for CC (310.01(h) you added the ability for a signature to be submitted electronically. Can the same ability be added for the LACs on EXP under 310.01(i)?</p>	Env-Wt 308.05(a)(3) to clarify that for projects to proceed through the Routine Roadway SPN process, would require an LAC to sign its right to intervene.
309	NHACC & Hanover CC; Oppose having any PBN go through without CC reviews.	NHDES has proposed this process under RSA 482-A:11, , VI, VII, and IX. These rules are consistent with the many public comments heard at over 30 listening sessions around the state. The public asked for the process to be made easier for maintenance projects.
	All PBN should require waiver of intervention by CCs	See above.
	All abutters should be provided with notice for PBNs.	See above.
309.08	<p>LAC sign off should be required</p> <p>Major and minor impact projects only should require functional assessment (forms corrected)</p> <p>313.03 difficult to achieve LIA. Should require to submit electronic reviews to LACs.</p> <p>Eliminate cross references</p>	See comment above.
313.03(c) 1-6	<p><u>Watermark</u>: We suggest eliminate the words "to avoid in # 3, #4, and # 6 and retain the requirement of "minimize impacts" under these 3 items.</p> <p>(3) The structures have been designed to avoid and minimize impacts on ability of abutting owners to use and enjoy their properties;</p> <p>(4) The structures have been designed to avoid and minimize impacts to the public's right to navigation, passage, and use of the resource for commerce and recreation;</p> <p>(6) The structures have been designed to avoid and minimize the removal of vegetation, the number of access points through wetlands or over the bank, and activities that may have an adverse effect on shoreline stability.</p>	The increased clarity in the proposed rule and exception referencing the shoreline structure standards provides clear boundaries for design standards.
521.06 b)(6)	Fix 2,000 SF to be 3,000 SF	Agree